

Dustin R. Marcello, Esq.  
Nevada bar No. 10134  
PITARO & FUMO, CHTD.  
601 Las Vegas Boulevard, South  
Las Vegas, Nevada 89101  
(702) 474-7554 Fax (702) 474-4210  
Attorney for Defendant -BENIYIHIA HEBBAR

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

**STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING**

IT IS HEREBY STIPULATED AND AGREED by and between DUSTIN R MARCELLO, ESQ. Counsel for Defendant BENIYIHIA HEBBAR and CHRIS BURTON, Assistant United States Attorney, that the Sentencing Hearing currently scheduled for September 11, 2018, at 10:00 a.m., be vacated and reset or a date and time convenient to the court, but no earlier than 45 days.

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to defendant and he has no objection to the request of continuance.
  2. Defendant is in custody in Pahrump.

- 1           3. Counsel has spoken to AUSA Chris Burton and he does not oppose to the  
2           continuance.
- 3           4. Defendant has an appeal in this case currently pending before the 9<sup>th</sup> Circuit Court of  
4           Appeals with a briefing schedule requiring an opening brief to be filed by October  
5           29, 2018. Appeal Case Number: 18-10240.
- 6           7. Denial of this request for continuance could result in a miscarriage justice.
- 7           8. For all the above-stated reasons, the ends of justice would best be served by a  
8           9. continuance of the Sentencing Hearing until a date and time convenient to the court.  
10

11          This is the third request for continuance filed herein.

12          DATED: September 10, 2018

13  
14  
15  
16          /S/  
DUSTIN R. MARCELLO, ESQ.  
17          601 LAS VEGAS BOULEVARD, S  
LAS VEGAS, NEVADA 89101  
18          ATTORNEY FOR THE DEFENDANT  
BENIYIHIA HEBBAR

19  
20  
21  
22  
23  
24  
25  
26  
27  
28          /S/  
CHRIS BURTON  
ASSISTANT UNITED STATES ATTORNEY  
501 LAS VEGAS BOULEVARD SOUTH. #1100  
LAS VEGAS, NEVADA 89101  
ATTORNEY FOR UNITED STATES OF  
AMERICA

2 Dustin R. Marcello, Esq.  
3 Nevada bar No. 10134  
4 PITARO & FUMO, CHTD.  
5 601 Las Vegas Boulevard, South  
6 Las Vegas, Nevada 89101  
(702) 474-7554 Fax (702) 474-4210  
Attorney for Defendant -BENIYIHIA HEBBAR

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA, ) 2:16-CR-00328-JCM-GWF  
12 )  
13 Plaintiff, )  
14 v. )  
15 BENIYIHIA HEBBAR, )  
16 Defendant )  
17 \_\_\_\_\_)

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

This Stipulation is entered into for the following reasons:

C Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to defendant and he has no objection to the request of continuance.
  2. Defendant is in custody in Pahrump.
  3. Counsel has spoken to AUSA Chris Burton and he does not oppose to the continuance.

1           4. Defendant has an appeal in this case currently pending before the 9<sup>th</sup> Circuit Court of  
2           Appeals with a briefing schedule requiring an opening brief to be filed by October  
3           29, 2018. Appeal Case Number: 18-10240.

4  
5           5. Denial of this request for continuance could result in a miscarriage justice.  
6  
7           6. For all the above-stated reasons, the ends of justice would best be served by a  
continuance of the Sentencing Hearing until a date and time convenient to the court.

8           This is the third request for continuance filed herein.  
9  
10

### **CONCLUSIONS OF LAW**

12           Denial of this request for continuance would deny the parties herein the opportunity  
13           to effectively and thoroughly prepare for Sentencing Hearing.

14           Additionally, denial of this request for continuance could result in a miscarriage of  
justice.  
15

### **ORDER**

17           IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for  
18           September 11, 2018, at 10:00 a.m., be continued to the **29th day of October, 2018**  
19           **at 10:30 a.m., in courtroom 6A.**  
20  
21

22           DATED September 10, 2018.  
23

24             
25           

---

**U.S. DISTRICT JUDGE**  
26  
27  
28